

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.353 of 2023

Arising Out of PS. Case No.-85 Year-2020 Thana- KOTWA District- East Champaran

Kamaldev Thakur Son of Late Panchan Thakur Resident of- Heman Chapra,
P.S.- Kotwa, District- East Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Sitaram Thakur Son of Late Shyam Thakur Resident of- Heman Chapra,
P.S.- Kotwa, District- East Champaran

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate
Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Kotwa P.S. Case No. 85 of 2020 registered for the offences punishable under Sections 467, 468, 420, 384, 120B / 34 of the Indian Penal Code.

3. As per the prosecution case, complainant / informant's father and accused persons agreed to exchange their land through registered deed on 31.05.1986 but possession was not exchanged. It is alleged that on 02.08.1956 the accused persons had already sold that land to their Mousi and thus cheated the complainant / informant.

4. Learned counsel for the petitioner submits that



petitioner is innocent, committed no offence and has falsely been implicated in this case. He further submits that the transaction was of year 1986 and both the parties had exchanged their land but no actual possession has been taken by the parties and no loss had been caused to the complainant / informant and no case is made out against the petitioner. Petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of his arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Kotwa P.S. Case No. 85 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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